


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2022-0231</p>
<p>In the Matter of the Application of</p> <p>ALBERT MCHUGH and CANDACE MCHUGH Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and NYCRR Part 578</p>	<p>Date Issued: January 10, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Albert McHugh2. Candace McHugh

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a single family dwelling and on-site wastewater treatment system in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This authorization shall expire unless recorded in the Herkimer County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when the authorized single family dwelling has been constructed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is a 0.92±-acre parcel of land located on Tekini Road in the Town of Webb, Herkimer County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 44.28, Block 2, Parcel 16, and is described in a deed from Nancy Bien to Albert McHugh and Candace McHugh, dated October 21, 2005, and recorded July 12, 2006 in the Herkimer County Clerk's Office at Book 1169, Page 319.

The project site contains shoreline on Lake Tekini. The project site also contains wetlands spread throughout the southern and eastern portion of the property with a mixed forested swamp and shrub swamp covertype and a value rating of "2".

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a single family dwelling and associated on-site wastewater treatment system within 100 feet of wetlands.

The project is shown on the following maps and plans:

- A one sheet plan titled "Proposed Site Plan For The McHugh Residence," prepared by C.J. Sableski, Landscape Architect, CCS Landscape Design LLC, dated October 6, 2022, and last revised December 6, 2022 (Site Plan); and
- Eight sheets of plans titled "McHugh Cottage Tax Map Parcel 44.28-2-16," prepared by Onsite Engineering PLLC, dated August 31, 2022, and last revised November 7, 2022 (Engineered Plans).

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Adirondack Park Agency regulations at 9 NYCRR § 578.2, a permit is required from the Adirondack Park Agency prior to the establishment of the absorption field of any on-site wastewater treatment system within 100 feet of any wetland in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Herkimer County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the single family dwelling and on-site wastewater treatment system remain on the site. Copies of this permit and Site Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2022-0231, issued January 10, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the project site in the location shown on the Site Plan.

The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwelling shall be less than 1,000 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

6. Construction of any guest cottage on the project site shall require prior written Agency authorization.
7. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
8. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
9. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on the Site Plan. Construction of the system shall be supervised by a design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

10. Prior to any ground disturbance, silt fence shall be installed in the locations depicted on the Site Plan and maintained until all disturbed soils are stabilized with native, non-invasive vegetation.

11. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
12. All exterior building materials, including roof, siding and trim, of the single family dwelling shall be a dark shade of green, grey, or brown.
13. Any new free-standing or building-mounted outdoor lights associated with the single family dwelling on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Lake Tekini, NYS Route 28, or adjoining property.
14. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. All trees and shrubs depicted on the Site Plan shall be planted no later than the first spring or fall planting season after final grading related to the construction of the single family dwelling on the project site. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.
16. The undertaking of any activity involving wetlands shall require a new or amended permit.
17. There shall be no more than one principal building located on the project site at any time. The single family dwelling authorized herein constitutes a principal building.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578 and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 10th day of January, 2023.

ADIRONDACK PARK AGENCY

BY: [Signature]
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 10th day of January in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

